

MEETING OF

THE DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

A meeting of the Delaware Agricultural Lands Preservation Foundation was held at the Delaware Department of Agriculture, 2320 S. DuPont Hwy. Dover, Delaware, November 14, 2007, with the following members in attendance:

Robert F. Garey, Chairman	Theodore P. Bobola, Jr.
William Vanderwende, Vice Chairman	Kevin Coyle (representing John Hughes, Secretary of DNREC)
W. Allen Jones, Treasurer	Leigh Ann Hinkle (representing Jack Markell, State Treasurer)
G. Ray Staats	L. Allen Messick, Jr.

Absent: Lynn Davenport and Michael T. Scuse, Secretary of Agriculture.

The following staff members were in attendance: Michael McGrath, Scott Blaier, Howard Mesick, Milton Melendez, Cathy Mesick, and Robin West.

Others in attendance: William Denman, Esq., Mr. Phil Tuthill, Mr. Francis J. Hickman, Ms. Evelyn Gannon, Mr. Thomas D. Donovan, Mr. Robert Carson, Mr. Jim Melville, Mr. Peter J. MacGarrid, and Mr. & Mrs. Ernie Vogl

Chairman Garey opened the meeting at 8:30 a.m. with prayer and introduced Leigh Ann Hinkle to the rest of the Board

I. Progress Report:

Milton Melendez informed the Board that we have a total of 953 farms in preservation districts totaling 146,461 acres, with a total of 484 farms under agricultural easements totaling 84,846 acres at a cost of \$136,166,618. For PDR 13 there are a total of 116 farms comprising 15,925 acres with a value of \$247,272,924 to be considered for purchase of development rights. For PDR 14 there are a total of 35 farms comprising 2,350 acres with a value of \$38,814,052. For the Forestland Preservation Program there are 13 farms comprising 1,316 acres.

The Chairman wished to know if the PDR 13 and the PDR 14 farms would eventually be added together. Mr. McGrath assured the Chairman that the farms which did not have development rights purchased in PDR 13 would be added to the PDR 14 total if they wish to be in the next PDR round. Mr. McGrath informed the Board that we are still taking applications for PDR 14. He also spoke about the \$3.5M Federal funding that is not yet resolved.

II. Forestland Preservation Area Eligibility & Final Approval:

1. Masten Holdings, Inc. Forestland Preservation Area, ID#F-K-07-01-072D-010. After discussion, **Kevin Coyle moved to accept for eligibility/final approval the Masten Holdings, Inc. Forestland Preservation Area, seconded by William Vanderwende. Motion unanimously approved.**
2. Hunt Forestland Preservation, ID#F-S-06-08-029D. After discussion, **Allen Jones moved to accept for eligibility/final approval the Hunt Forestland Preservation Area, seconded by Kevin Coyle. Motion unanimously approved.**
3. Gum Branch Acres Forestland Preservation Area, ID#F-s-07-09-247. After discussion, **Kevin Coyle moved to accept for eligibility/final approval the Gum Branch Acres Forestland Preservation Area, seconded by Ray Staats. Motion unanimously approved.**
4. J.E. Walls Jr. Trust Forestland Preservation Area, ID#F-S-07-06-246-008. After discussion, **William Vanderwende moved to accept for eligibility/final approval the J.E. Walls Jr. Trust Forestland Preservation Area, seconded by Kevin Coyle. Motion unanimously approved.**

III. District Eligibility & Final Approval:

1. Harvey Carrow Tract District, ID#K-07-10-248. After discussion, **Kevin Coyle moved to accept for eligibility and final approval the Harvey Carrow Tract District, conditional upon approval by the Farmland Preservation Advisory Board and/or the Kent County Planning and Zoning Commission,**

and on the signing of a District Agreement at the time of settlement; seconded by Theodore P. Bobola, Jr. Motion unanimously approved.

IV. Expansion Eligibility & Final Approval:

1. Crissman Expansion #1 of the Whitby Farms LP District, ID#K-07-08-067L.
2. Crissman Expansion #2 of the Whitby Farms LP District ID#K-07-08-067M.

Discussion concerning the two Crissman Expansions concerned the questions of the Board in the October meeting concerning when the lots along the frontage of these two expansions were subdivided. The staff explained that the subdivision occurred in 1998 and at the time there was another landowner of the property. Considering the information provided by staff, **Theodore P. Bobola, Jr. moved to accept for eligibility and final approval the two Crissman Expansions of the Whitby Farms LP District, seconded by Kevin Coyle. Motion unanimously approved.** Staff was asked in the future to provide information regarding any strip subdivision when the expansion is presented to the Board.

3. Garey Expansion of the W. F. Hanson District, ID#K-07-09-165C. Chairman Garey excused himself from the discussion and the vote on the grounds of conflict of interest. Vice Chairman Vanderwende took over the direction of the proceedings from Chairman Garey. After discussion, **Kevin Coyle moved to accept for eligibility/final approval the Garey Expansion of the W.F. Hanson District, seconded by Theodore P. Bobola, Jr. Motion unanimously approved except for Chairman Garey who abstained from voting due to conflict of interest.**
4. Garey Expansion of the Elva G. Warren District, ID#K-07-09-077C. Chairman Garey excused himself from the discussion and the vote on the grounds of conflict of interest. Vice Chairman Vanderwende took over the direction of the proceedings from Chairman Garey. After discussion, **Al Messick, Jr. moved to accept for eligibility and final approval the Garey Expansion of the Elva G. Warren Farms District, seconded by Allen Jones. Motion unanimously approved except for Chairman Garey who abstained from voting due to conflict of interest.**

After the vote was taken Vice Chairman Vanderwende relinquished the direction of the Board to Chairman Garey who continued with the remainder of the meeting.

5. Larimore Expansion of the Willow Grove District, ID#K-07-09-077C. After discussion, **Kevin Coyle moved to accept for eligibility/final approval the Larimore Expansion of the Willow Grove District, seconded by Ray Staats. Motion unanimously approved.**
6. Hammond Bennett Expansion of the Bennett District, ID#S-06-07-119C. After discussion, **Al Messick, Jr. moved to accept for eligibility/final approval the Hammond Bennett Expansion of the Bennett District, seconded by Theodore P. Bobola, Jr. Motion unanimously approved.**

V. Secretary of Agriculture's Veto – the Secretary was not in attendance and could not waive his right of veto.

VI. Public Comments – There were no public comments.

VII. Minutes - Chairman Garey asked if there were additions or corrections to the October 10, 2007 minutes. Receiving no additions or corrections to the minutes, **Kevin Coyle. moved the minutes be approved, seconded by Ray Staats. Motion unanimously approved.**

VIII .Financial Highlights:

Cathy Mesick informed the Foundation Board that we had, as of October 31, 2007, \$12,554.83 in the Foundation's checking account. The Foundation's interest bearing State of Delaware account had a balance of \$155,356.49. We received \$439.26 revenue from rollback taxes and \$1,102.00 interest income. Expenditures for

the month of October totaled \$18,216.77. After discussion, **William Vanderwende moved to accept the Financial Report as presented, seconded by Allen Jones. Motion unanimously approved.**

IX. Executive Session – There was no need for an Executive Session.

X. Other Business:

1. Gannon Expansion of the Hayden-Gallo District, ID#K-97-02-062. Request for approval of Cell Tower.

Milton Melendez presented the request for the approval of the Board for a cell tower on the Gannon property. Chairman Garey asked if this is in accordance with our procedures. Mr. Denman informed the Board that the lease agreement conforms to our requirements. The Board would approve access to the tower and the piece of property on which the tower will be placed, which will be 3.1 acres. It was pointed out to Mrs. Gannon that the easement of the cell tower company is perpetual, subject to the termination by the cell tower company. After discussion, **William Vanderwende moved to accept the access and placement of a cell tower, seconded by Allen Jones. Motion unanimously approved.**

2. Willis Ryan Expansion of the Caulk District, ID#K-96-06-007B. Request for an Access Easement.

Mr. Tom Donovan representative for the Ryan family presented the request for an access easement. Chairman Garey asked if this is in accordance with our procedures. Mr. Denman stated that the legal matters were in order, and that the Ryan family would come back to us for additional approval if they decide to change the location of the easement. After discussion, **Allen Jones moved to accept the request for an access easement, seconded by Ray Staats. Motion unanimously approved.**

3. Ernie Vogl Property – Amendment to Easement Agreement.

Mr. William Denman presented the amendment to the Vogl property. The Chairman asked if this is in accordance with our procedures. Mr. Denman stated it was that the amendment language applies only to wetlands under Federal easement. After discussion, **Al Messick, Jr. moved to accept the amendment to the easement agreement, seconded by Theodore P. Bobola, Jr. Motion unanimously approved.** Mr. Vogl had some questions regarding his families' PDR 12 properties. Mr. Denman stated that these were separate from this current matter. That the decision of the Board in this matter didn't have anything to do with the properties in PDR 12.

XI. Adjournment

As there was no further business to come before the Foundation, the meeting adjourned at 9:50 a.m. The next meeting of the Foundation will be held on December 12, 2007 at the Delaware Department of Agriculture, beginning at 8:30 a.m.

Respectfully submitted,

W. Allen Jones
Treasurer